

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
COLUMBUS DIVISION

MICHAEL B. BROWN,

*

Plaintiff,

*

vs.

*

CASE NO. 4:21-CV-162 (CDL)

COLUMBUS POLICE DEPARTMENT, *et*
al.,

*

*

Defendants.

*

O R D E R

On January 5, 2022, an individual appeared at the Clerk's public counter and filed what has been docketed at ECF No. 45 as an "answer" on behalf of Defendants EMS Care Ambulance, LLC, Marc Dade, and Isaac Waters. There are several problems with the document, and they must be fixed.

First, the document is signed by Tanya Hardy, operations manager of EMS Care Ambulance, LLC. There is no indication that Ms. Hardy is a lawyer. A limited liability company is "an artificial entity that can act only through agents, cannot appear pro se, and must be represented by counsel. *Palazzo v. Gulf Oil Corp.*, 764 F.2d 1381, 1385 (11th Cir. 1985). Therefore, EMS Care Ambulance, LLC cannot be represented by a non-lawyer employee. Failure of a corporate defendant like EMS Care Ambulance, LLC to secure counsel may result in that defendant's inability to defend itself and could result in a

future default judgment against it. EMS Care Ambulance, LLC is given 28 days from the date of today's order to secure counsel and file a proper response to the complaint.

Second, the document is not signed by individual defendants Marc Dade and Isaac Waters. Federal Rule of Civil Procedure 11(a) requires that every pleading "must be signed by at least one attorney of record in the attorney's name—or by a party personally if the party is not represented." The only signature on the document is Ms. Hardy's, and there is no indication that Ms. Hardy is a lawyer who is the attorney of record for Mr. Dade and Mr. Waters. Mr. Dade and Mr. Waters have 28 days from the date of today's order to file a response to the complaint that is signed by them or by their attorney.

Third, the document seeks dismissal of all claims filed against EMS Care Ambulance, LLC, Marc Dade, and Isaac Waters. If these defendants seek dismissal of the claims against them, the proper way to do so is to file a motion to dismiss in accordance with Federal Rule of Civil Procedure 12.

Finally, there is no indication that the document was served on Plaintiff or the other parties in this action. Federal Rule of Civil Procedure 5 requires that all pleadings and written motions be served on every party. All parties who are represented by counsel that have entered an appearance in this action received the document via the Court's electronic

filing system, but Plaintiff is not a registered user of the Court's electronic filing system. In the future, all documents filed by EMS Care Ambulance, Mr. Dade, and Mr. Waters shall be served on the parties in accordance with Rule 5. The Clerk is instructed to send Plaintiff a copy of ECF No. 45 when it sends a copy of this order to Plaintiff.

IT IS SO ORDERED, this 6th day of January, 2022.

s/Clay D. Land

CLAY D. LAND

U.S. DISTRICT COURT JUDGE

MIDDLE DISTRICT OF GEORGIA